

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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GEORGE S. HOFMESITER FAMILY TRUST  
DATED JUNE 21, 1991, et al.,

Plaintiffs,

Case No. 06-CV-13984-DT

v.

FGH INDUSTRIES, LLC, et al.,

Defendants.

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**ORDER TERMINATING AS MOOT PLAINTIFFS' MOTION FOR CONTEMPT**

Pending before the court is a motion for contempt that Plaintiffs filed on February 23, 2007. The motion concerns allegations that Defendants Daniel D. Fuhrman and William Gruits committed a number of acts that violate this court's December 15, 2006 preliminary injunction. Plaintiffs seek an order holding these Defendants in civil contempt. For the reasons stated below, the court finds that intervening events have rendered the motion moot and it will be terminated as such.

The court has reviewed the briefs and it appears that the bulk of the allegations concern conduct that happened during relatively early stages of this litigation. Further, the court is not aware of allegations of continuing violations by these Defendants that would suggest a pattern of complete disregard of the court's preliminary injunction order. Finally, the case has progressed to a point where myriad intervening events and procedural developments convince the court that the parties have "moved on" at least with respect to the motion for contempt. For example, the parties have completed substantial discovery and litigated arbitrability and Plaintiffs have obtained new counsel,

all of which demonstrate a proper progression of the case that respects the court's preliminary injunction. Under the circumstances, the court will therefore terminate the motion as moot but without prejudice to Plaintiffs to raise the matter again if it appears that it is no longer moot.<sup>1</sup>

IT IS ORDERED that "Plaintiffs' Motion to Hold Defendants Daniel D. Fuhrman and William Gruits in Civil Contempt of Court Order" [Dkt. # 60] is TERMINATED AS MOOT.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 26, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 26, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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<sup>1</sup>The court cautions Defendants Fuhrman and Gruits against concluding that the court's resolution of Plaintiffs' motion somehow wipes the slate clean. The court will not hesitate to revisit the matter if a pattern of misconduct is later presented or if it becomes clear that this order was interpreted as a license to violate the terms of the preliminary injunction.